

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION (EEOC),)
)
 Plaintiff,)
)
and) Civil Action
) File No.: 7:14-CV-136
)
DEREK DAVIS, ET AL.,)
)
 Plaintiff-Intervenors,)
)
)
J & R BAKER FARMS, LLC,)
and J & R FARMS PARTNERSHIP,)
)
 Defendants.)
)

DEFENDANTS' ANSWER TO COMPLAINT

COME NOW J&R Baker Farms, LLC, and J&R Farms Partnership, Defendants in the above-styled action, and file this their Answer and Defenses in the above-styled case, as follows:

FIRST DEFENSE

Defendants answer the numbered paragraphs of the Complaint, as follows:

1.

Paragraph 1 is admitted in part and denied in part. It is admitted that this Court has jurisdiction of the claims asserted in action. It is denied that Plaintiffs' claims have any merit. All other allegations in Paragraph 1 are denied.

2.

Paragraph 2 is admitted in part and denied in part. It is admitted that Defendants' employment practices are within this Court's jurisdiction. It is denied that any of Defendants' employment practices were unlawful. All other allegations in Paragraph 2 are denied.

3.

Paragraph 3 is admitted.

4.

Paragraph 4 is admitted in part and denied in part. Defendants admit that the operations of the business were conducted through the general partnership, J&R Baker Farms Partnership at the address listed and has continuously had at least 15 employees. This partnership sometimes did business as J&R Baker Farms during the relevant time period. It is denied that J&R Baker Farms, LLC operates as a partnership. J&R Baker Farms, LLC was not incorporated until 2014.

5.

Paragraph 5 is admitted.

6.

Paragraph 6 is admitted.

7.

Paragraph 7 is admitted in part and denied in part. It is admitted that the Commission sent a Letter of Determination on that date. It is denied that there is reasonable cause that Defendants violated Title VII. All other allegations in Paragraph 7 are denied.

8.

Paragraph 8 is admitted in part and denied in part. It is admitted that the Commission issued a Notice of Failure of Conciliation on that date and that the Commission was unable to

secure a conciliation agreement that was acceptable to the Commission. It is denied that the Commission made a good faith effort to conciliate this matter. All other allegations in Paragraph 8 are denied.

9.

Paragraph 9 asserts a legal conclusion and not a fact that requires an answer. To the extent an answer is required, Defendants admit Paragraph 9.

10.

Paragraph 10 is admitted in part and denied in part. It is admitted that Plaintiff identifies the Charging Parties as of American national origin. All other allegations contained in Paragraph 10 are denied.

11.

Paragraph 11 is admitted in part and denied in part. It is admitted that Plaintiff identifies the Charging Parties, with the exception of Kathern Bentley, as African American. All other allegations contained in Paragraph 11 are denied.

12.

Paragraph 12 is denied.

13.

Paragraph 13 is denied.

14.

Paragraph 14 is denied.

15.

Paragraph 15 is denied.

16.

Paragraph 16 is denied.

17.

Paragraph 17 is denied.

18.

Paragraph 18 is denied.

19.

Paragraph 19 is denied.

20.

Paragraph 20 is denied.

21.

Paragraph 21 is denied.

22.

Paragraph 22 is denied.

PRAYER FOR RELIEF

To the extent that any response to Plaintiff's Prayer for Relief is required, it is denied that Plaintiff is entitled to any relief whatsoever.

SECOND DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Upon information and belief, Charging Parties and similarly situated American workers failed to mitigate damages or have not been damaged.

FOURTH DEFENSE

Defendants did not knowingly or intentionally discriminate against American workers on the basis of their race or national origin.

FIFTH DEFENSE

Some of Plaintiff's claims related to Charging Parties and similarly situated American workers are barred by collateral estoppel pursuant to the prior rulings of this Court.

SIXTH DEFENSE

Some or all of Plaintiff's claims are barred by the Statute of Limitations.

SEVENTH DEFENSE

Some or all of Plaintiff's claims are barred because it failed to exhaust administrative remedies.

EIGHTH DEFENSE

Plaintiff's claims are frivolous, unreasonable and without foundation, were brought in bad faith, have no factual or legal basis, and thus Defendants are entitled to attorney fees and costs for defending such claims pursuant to 42 U.S.C. § 2000e-5(k), and other applicable law.

JURY DEMAND

Defendants hereby demand a jury on all issues triable to a jury.

WHEREFORE, Defendants pray for judgment from this Court as follows:

- a. That Plaintiff takes nothing by this action;
- b. That the Complaint be dismissed with prejudice and that judgment be entered against Plaintiff and in favor of Defendants on each cause of action;

- c. That Defendants be awarded their costs and attorneys' fees to the extent permitted by applicable law;
- d. Any further relief that this Court deems just and proper.

Respectfully submitted this 25th day of August, 2015.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 2015, I electronically filed the foregoing **Defendants' Answer To Complaint** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Robert K. Dawkins
Regional Attorney
Ottrell Ferrell Edwards
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